


SO ORDERED 4/13/20



Alison J. Nathan, U.S.D.J.

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April 7, 2020

ECF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, N.Y. 10007

The Court is in receipt of Defendant's request to proceed to sentencing by videoconference. The Court notes that videoconferencing is currently available on only a limited basis. In particular, MDC can only accommodate videoconference proceedings on Tuesdays and Thursdays. Accordingly, the Court hereby tentatively reschedules Defendant's sentencing for April 23, 2020. The Court will confirm whether it is able to proceed to sentencing by videoconference on April 23, 2020, and if so at what time, by April 16, 2020. SO ORDERED.

Re: United States v. Devante Joseph. 15 CR 95 - 028 (AJN)
With the oral consent of Devante Joseph, Defense requests that April 22nd sentencing hearing proceed via videoconference.

Dear Judge Nathan:

In anticipation of Mr. Devante Joseph's April 22nd sentencing hearing, I am respectfully advising the Court of his wish to proceed via videoconference. As the Court is well aware, the MDC-Brooklyn, where Mr. Joseph is detained, has suspended all legal visits through the month of April because of the current COVID-19 pandemic. However, he and I have communicated by prearranged conference calls from the prison. In our Friday, April 3rd call in which I advised him of his right under **Crim.R. 43(a)(3)** to be present before Your Honor for sentencing and informed him that he may request an adjournment of his sentencing to such a date when the court returns to its usual practices, Mr. Joseph agrees instead to proceed with his sentencing as scheduled via videoconference. He is aware that by proceeding in this manner his family, who were present at his last sentencing hearing, will not be able to view his sentencing this time, and he understands, furthermore, that they will be reliant on me to communicate Your Honor's judgment of his re-sentencing. I have spoken to Mr. Joseph's mother, informed her of her son's wish not to delay his sentencing, and I agreed to inform her immediately at the conclusion of the hearing of the Court's decision. Finally, with regards to the attached *Consent To Proceed By Videoconference* form, Ex. A., which we anticipate the Court will inquire of Mr. Joseph before proceeding to the sentencing phase of the hearing, he is prepared to answer any and all questions.

If Your Honor has any questions about this letter, I am available immediately by cellular phone 917-751-5754.

Thank you.

Respectfully submitted,
s/ Richard Palma
Richard Palma (Bar No. rp4441)

Attachment: Exhibit A, SDNY Consent Form